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 6 TRI-COUNTIES WELFARE TRUST FUND

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8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **AT SAN JOSE**

11 TRI-COUNTIES WELFARE TRUST FUND,

12 Plaintiff,

13 v.

14 KELVIN HILDEBRAND, INC.,
 15 HILDEBRAND & SONS TRUCKING, INC.,
 16 WEST COAST DRAYAGE, HILDEBRAND
 BROTHERS TRUCKING, MORYA GALARTE
 TRUCKING, d/b/a MG TRUCKING, and
 KELVIN HILDEBRAND,

17 Defendant.

18 Case No. CV-07-5941 JW

19 **DECLARATION OF TEAGUE P.
 20 PATERSON IN SUPPORT OF
 21 PLAINTIFF'S REQUEST FOR ENTRY
 22 OF DEFAULT BY CLERK**

23 I, TEAGUE P. PATERSON, declare as follows:

24 1. I am an attorney in the law firm of Beeson, Tayer & Bodine, attorneys of record for
 25 the Plaintiff in the above-captioned action.

26 2. On or about December 4, 2007, the Summons, Complaint, and accompanying court
 27 documents were served on Defendant Hildebrand Brothers Trucking by substituted service by leaving
 28 copies of the documents at the Defendant's place of business with Kathy Espinoza, Bookkeeper, a
 person apparently in charge, and over 18 years of age, who was informed of the contents therein. On
 or about December 4, 2007, copies of the same documents were mailed, by first class mail, to the

1 same address where the copies were left. A true and correct copy of the Proof of Service is attached
2 as Exhibit "A".

3 3. More than twenty (20) days have elapsed since service was deemed complete upon
4 Defendant.

5 4. Defendant has failed to Answer or otherwise plead in response to Plaintiff's
6 Complaint or to serve a copy of an Answer or pleading upon Plaintiff or me.

7 5. This Declaration is executed in accordance with Rule 55(a) of the Federal Rules of
8 Civil Procedure for the purpose of enabling Plaintiff to obtain an entry of default against Defendant
9 Hildebrand Brothers Trucking for Defendant's failure to Answer or otherwise defend as to Plaintiff's
10 Complaint.

11 I declare under penalty of perjury under the laws of the State of California that the foregoing
12 is true and correct and of my knowledge, except as to those matters stated herein on information and
13 belief, and as to those matters I believe them to be true. Executed this 9th day of April, 2008 in
14 Oakland, California.

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 /s/Teague P. Paterson
18 TEAGUE P. PATERSON
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PROOF OF SERVICE

UNITED STATES DISTRICT COURT CASE NO. CV-07-5941

I declare that I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause. My business address is On this day, I served the foregoing Document(s):

DECLARATION OF TEAGUE P. PATERSON IN SUPPORT OF PLAINTIFF'S REQUEST FOR ENTRY OF DEFAULT BY CLERK

By Mail to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(a), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. At Beeson, Tayer & Bodine, mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business in a United States mailbox in the City of Oakland, California:

Kelvin Hildebrand, President
KELVIN HILDEBRAND, INC.
6 Lewis Road
Watsonville, CA 95076

Dorothea M. Hildebrand, President
HILDEBRAND & SONS TRUCKING, INC.
6 Lewis Road
Watsonville, CA 95076

Kathleen Espinoza, Office Manager
HILDEBRAND BROTHERS
TRUCKING
635 San Juan Pass Road
Corralitos, CA 95076

KELVIN HILDEBRAND
6 Lewis Road
Watsonville, CA 95076

Diane Hildebrand, Owner
WEST COAST DRAYAGE
P.O. Box 400
Watsonville, CA 95077

By Personal Delivering a true copy thereof, to the parties in said action, as addressed below in accordance with Code of Civil Procedure §1011.

By Overnight Delivery to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(c), by placing a true and correct copy thereof enclosed in a sealed envelope, with delivery fees prepaid or provided for, in a designated outgoing overnight mail. Mail placed in that designated area is picked up that same day, in the ordinary course of business for delivery the following day via United Parcel Service Overnight Delivery.

By Facsimile Transmission to the parties in said action, as addressed below, in accordance with Code of Civil Procedure §1013(e).

I declare that the foregoing is true and correct. Executed in Oakland, California, on this date,
April 9, 2008.

/s/Tanya Gatt